IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2480 OF 2006

Mahendra Jaggi Tiwari @ Raju Khande. ..Applicant.
Vs.
State of Maharashtra. ..Respondent.

Mr.V.M.Telreja, Advocate for the Applicant.
Mr. P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 24-7-2006.

P.C.

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.118/2006 registered by Vakola Police Station, Mumbai for alleged offences under Section 451 and 376 of the I.P.C. The complaint has been registered on an F.I.R. of the prosecutrix Prajakta who is married woman aged 35 years. The alleged act has been seen by her daughter. The prosecutrix states in the F.I.R. that she was raped by the applicant inspite of her resistance who was known to her. It is sought to be argued that this is a case where she was consenting party. That cannot be prima facie accepted at this stage because there are injuries found on her private part. The blood stains were found on her clothes as well as clothes of the accused. The nicker was soaked in a blood. She has made disclosure within one hour to her husband. In the circumstances, I

am not inclined to grant bail to the applicant. Hence, application is rejected. It is made clear that these observations will not be used during the course of trial. Hearing of the trial is expedited.

(R. S. MOHITE, J.)